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Remarks

Claims 1-36 are pending in the application. Claims 22-36 are withdrawn based on a restriction requirement and have been cancelled. Claims 1 and 12 have been amended. Support for the amendment can be found throughout the Specification, and in particular, in the claims as originally filed. Claims 4 and 14 have been canceled. The Examiner has indicated the allowability of claims 14, 15 and 21.

Information Disclosure Statement

Applicants respectfully request that the Examiner initial and return a copy of the 1449 form that was submitted under cover of an Information Disclosure Statement received by the U.S. Patent and Trademark Office on March 25, 2002. A copy is enclosed for the convenience of the Examiner.

Claim Rejections Under 35 U.S.C. § 102(b)

The Examiner rejects claims 1-8, 12, and 16-18 under 35 U.S.C. § 102(b) as anticipated by the disclosure of U.S. Pat. No. 4,888,225 to Sandvig. The Examiner asserts that the '225 reference discloses in Figures 9A and 9B "a custom footbed comprising a substrate 54, having an upper surface with contours . . . , a depression . . . and a compressible wound spacer 52 . . . attached to the upper surface of the substrate (fig. 9D)."

Applicants have amended claim 1 recite "wherein the substrate comprises a uniform layer thickness." As discussed in Applicants' Specification on page 6, line 29 to page line 2, resin-impregnated foams result in a non-uniform layer thickness during compression and cure. Considering the Examiner's reference to Sandvig's resin-impregnated foam block 54 as the substrate, Sandvig '225 fails to teach a substrate with a uniform layer thickness. As recited in col. 18, lines 9-17 (emphasis added):

Referring now to FIG. 9B, once orthotic 52 has been formed, an activated resin-impregnated block 54 within the scope of the present invention is oriented directly below the arch of foot orthotic 52. As seen in FIGS. 9C and 9D, the rigid foot orthotic shell is then *pressed down* on the activated resin-impregnated foam block 54. Again, the foam *compresses to conform* to the bottom contours of orthotic 52, while providing a flat support surface on the bottom of block 54.

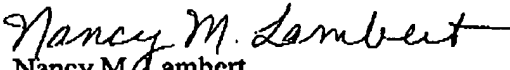
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Accordingly, for at least the above reason, the Sandvig '225 reference fails to teach all elements of the claims and cannot anticipate the claims as amended.

Claim Rejections under 35 U.S.C. §103(a)

The Office Action rejected claims 9-11, 13, and 19-20 under 35 U.S.C. §103(a) as obvious over '225 in view of USPN 5,002,047 ('047). The Office Action recognizes that '225 fails to disclose a contact layer attached to the upper surface of the substrate, and relies on '047 for that disclosure. For the reasons given above, adding the contact layer of '047 does not cure the deficiencies of the '225 reference. Reconsideration and withdrawal of the §103(a) rejections based on the above references are requested.

Respectfully submitted,


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